

SPECIAL SESSION

JOURNAL OF THE SENATE

Monday, August 28, 1967

The Senate was called to order by the President Pro Tempore at 10:00 a. m. The following Senators were recorded present:

Mr. President	Elrod	Johnson	Slade
Askew	Fincher	Knopke	Spencer
Barron	Fisher	Lane	Stockton
Barrow	Friday	McClain	Stolzenburg
Bell	Gibson	Mathews	Stone
Boyd	Gong	O'Grady	Thomas
Chiles	Griffin	Ott	Weber
Clayton	Gunter	Plante	Weissenborn
Cross	Haverfield	Poston	Wilson
Deeb	Henderson	Reuter	Young
de la Parte	Hollahan	Sayler	
Edwards	Horne	Shevin	

46. A quorum present.

Excused: Senators Bafalis and Broxson.

Prayer by the Secretary of the Senate:

Father God, we are aware of the passing of time and recognize the tremendous volume of effort yet to be finalized. Save us from confusion and frustration. Help us to toil quietly and efficiently. We would pray that this decision would not possess the unimportant or those things frivolous but rather those prescriptions of cure spelling that essential and productive. May we be ever attentive to the end result for the good of our state and its people. Grant to us the qualities of leadership required and guidance of the Holy Spirit. In our Master's name, we pray. Amen.

The pledge of allegiance to the flag of the United States of America pursuant to Senate Rule 7.2:

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The Journal of August 26 was corrected and approved.

On motion by Senator Askew, pursuant to Rule 5.12 the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

Senator Barron presiding.

Senator Stockton offered the following amendment which was adopted:

Amendment 299—Article III, Section 1, on page 10, beginning at line 3, strike section 1 and insert the following in lieu thereof:

Section 1. COMPOSITION.—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district. Each member of the legislature shall be an elector of the district from which he is elected.

Senator Stockton also offered the following amendment which failed:

Amendment 297—Article III, Section 3, Subsection (d), on page 11, beginning at line 10, strike subsection (d), Section 3 and insert in lieu thereof:

(d) **LENGTH OF SESSIONS.** A regular session of the legislature shall not exceed sixty consecutive days and a special session shall not exceed thirty days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new [business may be taken up in either house without the consent of two-thirds of its membership.]

bill or joint resolution shall be considered in either house except with the consent of two-thirds of the membership, and passage of a new bill or joint resolution shall require a two-thirds vote of the membership of each house.

Senator Askew offered the following amendment which was adopted:

Amendment 293—Article III, Section 11, Subsection (v), on page 17, beginning at line 7, as follows:

(v) any subject when prohibited by general law[,] passed by a three-fifths vote of the members elected to each house.

Senator Stockton offered the following amendment which failed:

Amendment 300—Article III, Section 18, Subsection (b), on page 21, beginning at line 12, strike subsection (b) and insert the following in lieu thereof:

(b) [An] Any officer, except the governor, impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and [unless] the governor [is impeached he] may by appointment fill the office until completion of the trial.

Senator de la Parte presiding.

The Liaison Committee offered the following amendment which was adopted on motion by Senator Friday:

Amendment 11-a—Article III, Section 18, Subsection (a), on page 20, beginning at line 29, strike all of subsection (a), section 18, and insert in lieu thereof the following:

Section 18. IMPEACHMENT.—

(a) The governor, members of the cabinet, justices of the supreme court and judges of other courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

The Liaison Committee also offered the following amendment which was moved by Senator Friday and adopted:

Amendment 12-a—Article III, Section 3 (d) (f), strike subsections (d) and (f) and insert in lieu thereof the following:

(d) Length of sessions. A regular session of the legislature shall not exceed sixty consecutive days and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(f) Adjournment by governor. If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

The Liaison Committee also offered the following amendment which was moved by Senator Friday:

Amendment 13-a—Article III, Section 4, Subsection (b), on page 12, beginning at line 8, strike subsection (b) and insert in lieu thereof the following:

(b) Sessions of each house shall be public, except that the senate may sit in executive session to consider appointment to or removal from public office.

Senator Shevin offered the following amendment to Amendment 13-a which failed:

In Subsection (b), line 2, page 12, strike: “, except that the senate may sit in closed session to consider appointment to or removal from public office” and insert the following: (.)

Senator Shevin also offered the following amendment to Amendment 13-a which failed:

In subsection (b), line 2, page 1, following “that the senate” insert the following: , by a three-fifths vote of its membership,

The vote was:

Yeas—13

Cross	Haverfield	Spencer	Young
Elrod	O’Grady	Stone	
Fisher	Shevin	Thomas	
Gong	Slade	Weissenborn	

Nays—27

Mr. President	Deeb	Henderson	Plante
Askew	de la Parte	Hollahan	Poston
Barron	Fincher	Knopke	Stockton
Barrow	Friday	Lane	Stolzenburg
Bell	Gibson	McClain	Weber
Chiles	Griffin	Mathews	Wilson
Clayton	Gunter	Ott	

Senator Wilson offered the following amendment to Amendment 13-a which failed:

Line 4, page 1, strike: “to consider appointment to or removal from public office”

Amendment 13-a was adopted, with Senator Shevin voting “Nay”.

Consideration of Amendment 14-a by the Liaison Committee was temporarily deferred.

The Liaison Committee also offered the following amendment which was moved by Senator Friday and adopted:

Amendment 15-a—Article III, Section 11, Subsection (u), on page 17, beginning at line 4, strike entire subsection (u) and reletter remaining subsection(s).

The Liaison Committee also offered the following amendment which was adopted on motion by Senator Friday:

Amendment 16-a—Article III, on page 22, following line 8, strike Section 19 and insert:

Section 19. Conflict of interest.—A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

The hour of recess having arrived, a point of order was called and the Committee of the Whole recessed at 12:07 p. m.

AFTERNOON SESSION

The Committee of the Whole was called to order by Senator Barron at 1:30 p. m. A quorum present.

Senator Stolzenburg offered the following amendment which failed:

Amendment 301—Article VI, Section 1, on page 41, beginning at line 3, strike Section 1 and insert the following in lieu thereof:

Section 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. [Registration and elections shall, and political party functions may, be regulated by law.] Registration, elections and political party organization shall be regulated by law.

Senator Poston offered the following amendment which failed:

Amendment 304—Article VII, Section 1, on page 43, begin-

ning at line 27, in line 31 add the following underscored material:

(f) Charter government. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances. Counties operating under county charters may also exercise all the powers and receive all the benefits of a municipality unless prohibited by general law.

The Liaison Committee offered the following amendment which was moved by Senator Friday:

Amendment 17-a—Article III, on page 10, beginning at line 9, Strike Section 2 and insert:

Section 2. Members—officers.—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure. The auditor shall conduct post-audits, performance audits, and other related duties, as prescribed by concurrent resolution.

Senator Thomas offered the following amendment to Amendment 17-a which was adopted:

Line 14, strike the comma between “duties” and “as”

Amendment 17-a as amended was adopted.

The Liaison Committee also offered the following amendment which was moved by Senator Friday and adopted:

Amendment 18-a—Article III, Section 16, Subsection (a), on page 18, beginning at line 4, strike Section 16(a) and insert in lieu thereof:

(a) Senators. Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

Consideration of Amendment 19-a by the Liaison Committee was temporarily deferred.

The Liaison Committee also offered the following amendment which was moved by Senator Friday and adopted:

Amendment 20-a—Article III, Section 4, Subsection (c), on page 12, beginning at line 12, strike Section 4(c) and insert in lieu thereof:

(c) Each house shall keep and publish a journal of its proceedings, and the vote of each member voting on any question shall, upon the request of five members present, be entered on the journal.

Senator Askew presiding.

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by Senator Askew at 4:15 p. m. A quorum present.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message was read and by the required Constitutional two-thirds vote of the Senate, the concurrent resolution contained therein was admitted for introduction and consideration:

*The Honorable Verle A. Pope
President of the Senate*

August 28, 1967

Senator Slade offered the following substitute amendment for Amendment 308 which failed:

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and adopted—

By Representatives Bevis and Nergard—

HCR 24-XXXX(67)—A concurrent resolution commending the Recreation Department of the City of Tallahassee.

WHEREAS, members of the legislature, bone-weary and mind-fagged from months of continuous session, have found solace and relaxation in the recent round of softball games, and

WHEREAS, those members have benefitted immeasurably from these games either as participants or spectators, and, in turn, the public of all Florida has gained from this surcease so the members could return refreshed to their legislative tasks, and

WHEREAS, the Recreation Department of the City of Tallahassee has made available skilled assistance, playing fields, equipment and wholehearted cooperation, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:

That the legislature hereby expresses its gratitude to the Recreation Department of the City of Tallahassee for making possible the relaxation and pleasure so thoroughly enjoyed by so many of its members.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 24-XXXX(67), contained in the above message, was read the first time in full. On motions by Senator Mathews, HCR 24-XXXX(67) was read the second time by title, unanimously adopted, and certified to the House.

On motion by Senator Mathews, pursuant to Rule 5.12, the Senate resolved itself into a Committee of the Whole for the purpose of further consideration of SJR 2-4X(67).

COMMITTEE OF THE WHOLE

Senators Stockton and Slade offered the following amendment which was moved by Senator Stockton:

Amendment 308—Article VIII, add new section 14, on page 53, beginning at line 18, as follows:

Section 14. STATE SALES TAX.—

(a) There shall be a state sales tax, in addition to any provided by general law, at the rate of one per cent, relating to sales, use and other privilege taxes.

(b) The method of collections, exemptions, and other procedures shall be provided for by general law.

(c) Distribution of sales tax. All funds collected and received are to be credited to the account of general revenue fund of the state and the funds collected and received are hereby appropriated to and shall be distributed to the county boards of public instruction of the several counties, to be used solely for the support of free public schools.

(d) There shall be a reduction in the first year, based on that county tax assessor's rolls, whether pursuant to local, special or general law, of all millages levied in a county in the first year, which reduction, when converted to revenue dollars, shall be the same as the amount of sales, use and privilege taxes returned by the state to the several counties in that first year. Thereafter, said rollback or additional rollback by virtue of additional distributions shall be as determined by the Legislature.

(e) Section 14 of Article VIII shall become effective on July ___ after the effective date of this constitution.

Add new Section 14, on page 53, beginning at line 18, as follows:

Section 14. On and after the first day of July succeeding the approval of this constitution, 25% of any increase in sales, use and privilege taxes in excess of 3% of the sales price but not in excess of 4% of the sales price collected under the provisions of Chapter 212, Part 1, Laws of Florida 1965, and all or any part, but not less than 25% of increased taxes collected because of the removal of limitations or exemptions contained in said law or by reason of subjecting items to such taxes which are not now taxed, shall be distributed to the several Boards of Public Instruction based upon the average daily school attendance in each county to be used solely for the reduction of ad valorem school and school district millage, but no such county shall be eligible to receive distributions from such tax collections unless there shall be levied in the aggregate for school and school district millage not less than 3 or more than 6 mills on the dollar of assessed value. The legislature shall implement this section by general law.

Amendment 308 failed.

The Liaison Committee offered the following amendment which was moved by Senator Friday and adopted:

Amendment 24-a—Article IV, Section 5 (engrossed), on page 26, beginning at line 23, strike the word "twenty" on line 25 and insert in lieu thereof two words which are: twenty five

The Liaison Committee also offered the following amendment which was moved by Senator Friday and adopted:

Amendment 23-a—Article IV, Section 2, Subsection (c), on page 24, beginning at line 5, strike subsection (c) and insert in lieu thereof the following:

(c) The comptroller shall serve as the chief fiscal officer of the state, and shall pre-audit and settle all state accounts.

The Liaison Committee also offered the following amendment which was moved by Senator Friday and adopted:

Amendment 22-a—Article IV, Section 1, Subsection (f), on page 23, beginning at line 10, strike subsection (f) and insert in lieu thereof the following:

(f) He shall fill by appointment any vacancy in office, when not otherwise provided by general law of uniform application, for the remainder of the term if less than twenty-eight months, otherwise until the first Tuesday after the Monday following the next general election. Vacancy in office shall occur upon the creation of an office, upon the death of the incumbent or his removal from office, resignation, succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

The Liaison Committee also offered the following amendment which was moved by Senator Friday:

Amendment 21-a—Article IV, Section 5 (engrossed), on page 27, beginning at line 16, add subsection (d):

(d) The governor may, by executive order, propose any reorganization of the executive branch, excepting as to duties assigned by law solely to an independently elected cabinet officer, to a regular session of the legislature within seven days following the convening thereof, and such proposal shall become law on the adjournment sine die of the regular session unless either house of the legislature disapproves the same by majority vote.

Senator Weissenborn offered the following substitute amendment which failed:

A new subsection, line 1, subsection (d) shall read as follows:

(d) The governor shall propose such reorganization of the executive branch as he deems necessary to each regular session of the legislature.

Senator Thomas offered the following amendment to Amendment 21-a which failed:

In line 8, strike "either house of the legislature" and insert: the senate

Amendment 21-a failed.

Senator Mathews moved that the Committee of the Whole rise. Which was agreed to.

The Senate was called to order by Senator Askew at 5:35 p.m. A quorum present.

On motion by Senator Mathews, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 9:00 a. m., August 29, 1967.

The hour of adjournment having arrived, a point of order was called and the Senate adjourned at 5:36 p. m. to reconvene at 9:00 a.m., August 29, 1967.